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Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

12/3/94
CGB

SEP 8 2003

Control No 0302415

The Honorable Norm Dicks
U. S. House of Representatives
1717 Pacific Avenue, Suite 2244
Tacoma, WA 98402-3234

RECEIVED

SEP 11 2003

Federal Communications Commission

Dear Congressman Dicks:

Thank you for your letter of August 15, 2003, regarding the Federal Communications Commission's (Commission) recent amendments to the rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). Your letter asks several questions on behalf of your constituent, Mr. Charles Frank Hawkins, about the national do-not-call rules.

As you know, the Commission released a Report and Order on July 3, 2003, amending its rules on telemarketing under the TCPA. According to the TCPA, the Commission "may require the establishment and operation of a single national database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations, and to make that compiled list and parts thereof available for purchase." Each seller engaged in telemarketing or on whose behalf telemarketing is conducted will be required to pay an annual fee for access to the database based on the number of area codes of data that the company wishes to access. According to the Federal Trade Commission, which administers the national registry, sellers will be charged \$25 per area code with a maximum annual fee of \$7,375 for access to the entire national database. Sellers may request access to five or less area codes for free.

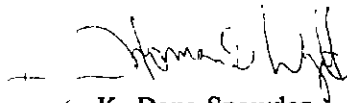
Consumers may register for the national do-not-call registry at any time. The registration process is completely automated and updates occur continuously. The safe harbor provision requires telemarketers to employ a version of the registry obtained not more than three months before any call is made. Thus, telemarketers will be required to update their lists at least quarterly. Instead of making the registry available on specific dates, the registry will be available for downloading on a constant basis so that telemarketers can access the registry at any time. As a result, each telemarketer's 3-month period may begin on a different date. Consumers are advised, when they register, that their request will not be fully effective for 90 days. Therefore, there is no repercussion for a telemarketer who calls a consumer within that 90-day period, provided that the telemarketer has updated its list within three months of the date of the call.

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You also ask whether a company has any "joint or co-responsibility" for phone calls made by its sales associates, who are themselves independent contractors of the company. The Commission's rules apply to a seller even when the seller has hired a third party to telemarket on its behalf. Therefore, depending on the facts of the case, a company generally will be responsible for calls to sell its products and services, even if such calls are made by sales associates who are independent contractors.

Thank you for your letter. Please do not hesitate to contact us if you have further questions

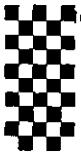
Sincerely,

A handwritten signature in black ink, appearing to read "K. Dane Snowden", is written over a horizontal line.

K. Dane Snowden

Chief

Consumer & Governmental Affairs Bureau



NORM DICKS
 SENIOR MEMBER OF CONGRESS
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 SUBCOMMITTEE
 INTERIOR
 RANKING DEMOCRATIC MEMBERS
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FAX TRANSMISSION
 FROM

CONGRESSMAN NORM DICKS - TACOMA OFFICE
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This fax is from: Rosie Clark, Tacoma office

PHONE: 253-593-6536

FAX: 253-593-6551

EMAIL: Rosie.Clark@mail.house.gov

CPB
TCM
2415

Attached is a 2 page fax, including this cover sheet

Please forward to: FCC / Congressionals

Attention: Diane Atkinson

Fax telephone #: 202 418-2806

Subject: Charles Frank Hawkins

Additional Comments:

Ms. Atkinson—

I'm hoping to receive a response
 to the attached e-mail sent to FCC
 on 7/7/03. Can you assist?

Thanks

Rosie Clark

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PRINT TIME AUG. 15. 5:49PM

18 AUG 2003 RCUD

Clark, Rosie

From: Clark, Rosie
Sent: Monday, July 07 2003 1:46 PM
To: Tccinfo@fcc.gov
Subject: Constituent questions/Congressman Norm Dicks

From: Rosie Clark, Staff Assistant
CONGRESSMAN NORM DICKS
Tacoma Office
1717 Pacific Ave., Suite 2244
Tacoma WA 98402
(253) 593 6536
(253) 593 6561 fax
Rosie.Clark@mail.house.gov

Re: Mr. Charles Frank Hawkins
Questions regarding the Do Not Call program at FCC

Mr. Charles Frank Hawkins has contacted Congressman Dicks with three questions that I hope you can answer for me:

1. Phone solicitors must purchase a do-not-call phone list every three months. Is there a regional/city/local list or must the solicitor purchase the entire national listing?
2. What is the repercussion to the solicitor if he calls someone who was not on the list at the time the solicitor purchased the list but subsequently joined it within the 90 days?
3. Most of his sales associates are independent contractors; however, does the company itself have any joint or co-responsibility for phone calls made by the independent contractors?

Thank you for any light you can shed on these questions in behalf of Congressman Dicks' constituent, Mr. Hawkins.

Sincerely,

Rosie Clark
Staff Assistant
CONGRESSMAN NORM DICKS

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